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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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THOMAS G BRUTON
CLERK, U S DISTRICT COURT

Jamell Olmstead Malone,

Plaintiff(s),

vs.

THE CITY OF CHICAGO
CHICAGO POLICE DEPT,

Defendant(s).

1:13-cv-08745
Judge Elaine E. Bucklo
Magistrate Judge Jeffrey T. Gilbert

COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS

This form complaint is designed to help you, as a **pro se** ***plaintiff, state your case in a clear manner. Please read the directions and the numbered paragraphs carefully. Some paragraphs may not apply to you. You may cross out paragraphs that do not apply to you. All references to "plaintiff" and "defendant" are stated in the singular but will apply to more than one plaintiff or defendant if that is the nature of the case.***

1. This is a claim for violation of plaintiff's civil rights as protected by the Constitution and laws of the United States under 42 U.S.C. §§ 1983, 1985, and 1986.

2. The court has jurisdiction under 28 U.S.C. §§ 1343 and 1367.

3. Plaintiff's full name is Jamell O. Malone.

If there are additional plaintiffs, fill in the above information as to the first-named plaintiff and complete the information for each additional plaintiff on an extra sheet.

4. Defendant, OFFICER ROGERS and OFFICER CHOUDHARY, is
(name, badge number if known)

☑ an officer or official employed by CHICAGO POLICE DEPT;
(department or agency of government)
_________________________________ or

☐ an individual not employed by a governmental entity.

If there are additional defendants, fill in the above information as to the first-named defendant and complete the information for each additional defendant on an extra sheet.

5. The municipality, township or county under whose authority defendant officer or official acted is THE CITY OF CHICAGO. As to plaintiff's federal constitutional claims, the municipality, township or county is a defendant only if custom or policy allegations are made at paragraph 7 below.

6. On or about 10/27/13 (month, day, year), at approximately 1 to 2 ☐ a.m. ☑ p.m. plaintiff was present in the municipality (or unincorporated area) of THE CITY OF CHICAGO, in the County of COOK, State of Illinois, at 5400 SOUTH ELLIS Chicago IL 60615, (identify location as precisely as possible)

when defendant violated plaintiff's civil rights as follows ***(Place X in each box that applies)***:

☐ arrested or seized plaintiff without probable cause to believe that plaintiff had committed, was committing or was about to commit a crime;
☐ searched plaintiff or his property without a warrant and without reasonable cause;
☐ used excessive force upon plaintiff;
☑ failed to intervene to protect plaintiff from violation of plaintiff's civil rights by one or more other defendants;
☐ failed to provide plaintiff with needed medical care;
☑ conspired together to violate one or more of plaintiff's civil rights;
☐ Other:
Falsely detained me from a freedom of movement and slandered my name with false allegations of claims that it was a burglary in the area and they had probable cause.

V

____.

7. Defendant officer or official acted pursuant to a custom or policy of defendant municipality, county or township, which custom or policy is the following: (***Leave blank if no custom or policy is alleged***): ____

____

____

____.

8. Plaintiff was charged with one or more crimes, specifically:

None

____

____

____

____

9. (***Place an X in the box that applies. If none applies, you may describe the criminal proceedings under "Other"***) The criminal proceedings

☐ are still pending.

☐ were terminated in favor of plaintiff in a manner indicating plaintiff was innocent.[1]

☐ Plaintiff was found guilty of one or more charges because defendant deprived me of a fair trial as follows ____

____.

☑ Other: After Showing ID For False detention, released to walk home or given Freedom of movement

[1]Examples of termination in favor of the plaintiff in a manner indicating plaintiff was innocent may include a judgment of not guilty, reversal of a conviction on direct appeal, expungement of the conviction, a voluntary dismissal (SOL) by the prosecutor, or a *nolle prosequi* order.

10. Plaintiff further alleges as follows: (***Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.***)

My Fourth Amendment of the U.S. Constitution (unlawful warrant and seizure) was violated. My Eighth Amendment of the U.S. Constitution was violated by officers due to threats of arrest if I, US-citizen, Jamell Olmstead Malone, didn't give them state ID for what was said by OFFICER ROGERS as a criminal stop for a burglary. OFFICER CHOUDHARY failed to protect me upon arrival by assisting ROGERS with such demands. After showing ID or during stop no searches of myself occured. That led me to believe I was targeted. Reported incident to (IPRA) on 10/28/2013 and Log# 1065771 was given. The beat camera of car is evidence.

11. Defendant acted knowingly, intentionally, willfully and maliciously.

12. As a result of defendant's conduct, plaintiff was injured as follows:

Emotionally and physically due to no freedom of movement and harassment by Chicago Police Department as a conspiracy. Reported several incidents to (IPRA) where nothing was done to stop harassments.

13. Plaintiff asks that the case be tried by a jury. ☑ Yes ☐ No

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14. Plaintiff also claims violation of rights that may be protected by the laws of Illinois, such as false arrest, assault, battery, false imprisonment, malicious prosecution, conspiracy, and/or any other claim that may be supported by the allegations of this complaint.

WHEREFORE, plaintiff asks for the following relief:

A. Damages to compensate for all bodily harm, emotional harm, pain and suffering, loss of income, loss of enjoyment of life, property damage and any other injuries inflicted by defendant;

B. ☑ ***(Place X in box if you are seeking punitive damages.)*** Punitive damages against the individual defendant; and

C. Such injunctive, declaratory, or other relief as may be appropriate, including attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988.

Plaintiff's signature: Jamell Olmstedd Malone

Plaintiff's name ***(print clearly or type)***: Jamell Olmstead Malone

Plaintiff's mailing address: ______________________

City Chicago State IL ZIP ________

Plaintiff's telephone number: (312) 479-4226.

Plaintiff's email address ***(if you prefer to be contacted by email)***: Mjamel4@yahoo.com

____

15. Plaintiff has previously filed a case in this district. ☑ Yes ☐ No

1:13-cv-03900 ***If yes, please list the cases below.***

Jamell Olmstead Malone vs City of Chicago / Chicago Police Dept

County of Cook / Cook County Sheriffs Department VS Jamell O. Malone (plaintiff)

~~[illegible]~~ 1:13-cv-04845

Any additional plaintiffs must sign the complaint and provide the same information as the first plaintiff. An additional signature page may be added.